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Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Letter dated 11 February 2010 from the Permanent Representative of Cyprus to the United Nations Office at Geneva addressed to the President of the Human Rights Council

Upon instructions from my Government, I wish to refer to recent important developments regarding the human rights of Cypriot internally displaced persons, an issue covered by the mandate in accordance with which the yearly reports on the question of human rights in Cyprus should be prepared, as provided for by the Commission on Human Rights in its resolution 4 (XXXI) of 13 February 1975 and by the General Assembly in its resolution 3450 (XXX) of 9 December 1975.

On 19 January 2010, the Court of Appeal of England and Wales issued its final judgement in the case of *Meletis Apostolides v. Charles and Linda Orams*, following the relevant judgement of the Court of Justice of the European Union (case C-420/07). The case concerns a property of the Greek Cypriot internally displaced person, Meletis Apostolides, in the occupied area of the Republic of Cyprus, which was usurped by the occupation regime and illegally sold to a British couple, David and Linda Orams. In 2004, Mr. Apostolides took the case before the District Court of Nicosia, which, in its judgement, held that Mr. and Mrs. Orams were trespassing on the applicant's property, and ordered the defendants to pay damages, to proceed with demolition of the premises constructed thereon and to deliver vacant possession of the said property to the lawful owner. Subsequently, Mr. Apostolides sought enforcement by a British Court of the decision made by the Cypriot Court on the basis of European Union Council Regulation (EC) no. 44/2001 on jurisdiction and the recognition and enforcement of judgements in civil and commercial matters.

In its judgement, the Court of Appeal of England and Wales emphasized the obligation to respect the sovereignty, independence and territorial integrity of the Republic of Cyprus, and affirmed the exclusive jurisdiction of Cypriot courts, even in cases concerning property rights to land situated in the northern occupied area of the Republic of Cyprus. Quite importantly, the Court also held that, despite international support for the ongoing efforts to find a solution to the Cyprus problem, there was no ground for non-recognition and implementation of a lawfully-made judgement of a court in a lawfully constituted State, which is a member of the European Union. In that respect, the Court even argued that a refusal to recognize such a judgement by the Cypriot court would inflame the situation. At the same time, the Court stressed that Security Council resolutions, while

urging negotiations and a settlement of the Cyprus problem, have consistently required respect for the territorial integrity of the Republic of Cyprus under a single sovereignty, which clearly encompasses respect of the courts as the judicial arm of a sovereign State.

Undoubtedly, this judgement of the highest competent English court not only constitutes a landmark development in the efforts to uphold and protect the property rights of displaced persons in Cyprus, but also demonstrates the beneficial impact of European integration and supranational legal norms of human rights on the domestic laws and policies of States Members of the European Union. In such an advanced system of rule of law and democracy, human rights law cannot be contradicted by any other law and is not liable either to derogation or abrogation, nor is it negotiable or subject to the whims of any political consideration.

I should be grateful if you could arrange for the text of the present letter to be circulated as a document of the Council under agenda item 2.

(Signed) Andreas **Hadjichrysanthou**
